

Department of Health & Human Services
Centers for Medicare & Medicaid Services
26 Federal Plaza, Room 37-100 North
New York, NY 10278



March 15, 2013

Jason A. Helgerson
New York State department of Health
Bureau of HCRA Oper & Financial Analysis
99 Washington Ave – One Commerce Plaza
Suite 810
Albany, NY 12210

Dear Mr. Helgerson:

We received a copy of Larry Reed's letter to you, in which he notified you of the approval of New York's State Plan Amendment (SPA) 12-35. This amendment proposed to remove coverage of benzodiazepines, as well as barbiturates, used in the treatment of epilepsy, cancer, or a chronic mental health disorder for dually eligible beneficiaries effective January 1, 2013. Since the coverage of barbiturates under Part D is limited to the treatment of epilepsy, cancer, or a chronic mental health disorder, NYS proposes to continue to cover barbiturates for conditions other than the three covered by Part D. The coverage of benzodiazepines under part D is inclusive of all indications, so NYS proposes to provide coverage for only non-dually eligible beneficiaries.

Mr. Reed advised you that the New York Regional Office would forward you the signed CMS-179 form as well as copies of the approved pages, these documents are enclosed. The revised pages of supplement attachment 3.1-A and supplement attachment 3.1-B submitted to our office on January 28, 2013 have replaced the corresponding pages that were originally into the New York state plan. Please note the approval date of the SPA is March 15, 2013 and the effective date is January 1, 2013.

If you have any questions, please contact Ivelisse M. Salce at (212) 616-2411.

Sincerely,

Michael Melendez
Associate Regional Administrator
Division of Medicaid and Children's Health

Cc. Delaine Deardorff-Beck, CMS Division of Pharmacy
Ilene E. Matthews, New York State Department of Health